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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/647,014   | 08/22/2003  | Richard T. Jones     | WEAT/0416           | 1470             |
| 36735  | 7590        | 08/27/2004           | EXAMINER            |                  |
| MOSER, PATTERSON & SHERIDAN, L.L.P.<br>3040 POST OAK BOULEVARD, SUITE 1500<br>HOUSTON, TX 77056-6582 |             |                      | PATEL, HARSHAD R    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2855                |                  |

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |                                      |  |  |
|--|--------------------------------------|--|--|
| <p align="center"><b>Office Action Summary</b></p> | <b>Application No.</b><br>10/647,014 | <b>Applicant(s)</b><br>JONES, RICHARD T. |  |
|  | <b>Examiner</b><br>Harshad Patel     | <b>Art Unit</b><br>2855                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/26/04</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: ____ |
|---|--|

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Smith et al. (US2004/0086623).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-10, 14-18, 21-23, 26, 28, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (5,024,099) in view of Segeral et al. (5,591,922) (hereinafter Segeral).

Lee teaches an apparatus and method for determining flow rate within a pipe comprising a pipe (11) at least a portion (the deformed portion in the central portion of the pipe) of which has a larger inner diameter than a normal diameter wherein the pipe diverges from the nominal inner diameter of the pipe to the larger inner diameter in the fluid direction. Lee does not teach a differential pressure measurement for determining the flow rate. Segeral teaches a differential pressure type device for determining the flow rate of the flowing medium. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a

Art Unit: 2855

differential pressure transducer to determine the pressure difference across the inverted venture since such an arrangement would provide the same pressure difference across the venture to relate it to the flow rate. Segeral teaches the locations of measuring the pressures. Such locations are chosen based on the points of pressure differences are detected.

5. Claims 6, 11-13, 19, 20, 24, 25, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Pruett et al. (6,009,216) (hereinafter Pruett).

Lee teaches all the specifics of the instant invention except for the fiber optics type pressure sensing device. Pruett teaches a fiber optic device to measure the differential pressure within the pipe. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a known pressure sensing device such as a fiber optics since such devices are known alternatives for measuring the pressures in the flow conduit.

#### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ostergren (2,420,148) and Kautzky (4,207,551) teach a pressure transducer positioned on a portion having a middle portion having an enlarged section.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harshad Patel whose telephone number is (571) 272-2187. The examiner can normally be reached on Monday-Thursday (7:00 AM-5:30 PM).



*Harshad Patel*  
*Primary Examiner*  
*Art Unit 2855*

hp  
August 23, 2004